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# The Perils of Professionalism: Lawyers, Teachers, and Engineers in Nazi Germany [1986]

Konrad H. Jarausch\*

**Abstract:** »Gefahren des Professionalismus: Anwälte, Lehrer und Ingenieure im Dritten Reich«. The contradiction between the professions' progressive self-representation and their self-seeking opportunism was especially disastrous in their collaboration with National Socialism. As a result of the overcrowding and unemployment in the late Weimar Republic, many well educated Germans lent a willing ear to the radical propaganda of NS-affiliates which clamored for the exclusion of Jews, Leftists and women. While young, male, Aryan university graduates profited from the Nazi seizure of power, their hopes for a reprofessionalization were quickly dashed by the loss of autonomy and ideological indoctrination in favor of race, war and empire. Many professionals therefore experienced the Third Reich as a severe deprofessionalization by decreasing their number, weakening their training, abolishing their organizational freedom and involving them in atrocities. On the basis of the German example, the article therefore tries to warn against the consequences of ignoring the ethical foundations of liberal professionalism.

**Keywords:** professions, collaboration with National Socialism, crisis of professions, Nazi affiliates, professional purges, deprofessionalization, reprofessionalization.

In academic circles, the notion of professionalism has a nicely progressive ring. Unlike athletics, where it smacks of greed, it suggests competent, disinterested service of well-trained experts. What client would not rather consult a "professional" lawyer than a legal amateur, go to a university-educated teacher than to a self-proclaimed pedagogue, or employ a certified engineer rather than someone merely good at fixing machines? It should not be surprising that professionals themselves have been interested in promoting such a positive image, since it guarantees them wealth, social status – and better yet, a good conscience. But it is somewhat unexpected that many historians or social scientists have accepted this ideology at face value and touted professionalization as unquestioned progress. The sociologist Talcott Parsons affirmed authoritative-

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ly: "The massive emergence of the professional complex, not the special status of capitalistic or socialistic modes of organization, is the crucial structural development of twentieth-century society."<sup>1</sup> Since academics are themselves professionals, they tend to view professionalization not only as beneficial, but also as inevitable.

The rise of professionalism has, however, also exacted a heavy price. Did it not mean a drastic foreshortening of choice, putting the client at the mercy of officially sanctioned solutions rather than those he wanted? What about the increased expense of professional services, compared to lay advice? Has the displacement of competitors with less political power always been an unmixed blessing for society? On closer inspection, the "culture of professionalism" seems also to have a darker, more problematic side. During the last decade historians and social scientists have, therefore, begun to ask disturbing questions about its implications.

Increasing attention is being paid instead to some of the less edifying features of professional behavior – to the efforts of professional groups to enlarge their power, income, and status through monopolistic practices; to the sometimes bitter struggles between competing professions or between upper and lower branches of the same profession; and to the role that professions can play in legitimizing social stratification, economic disparities, and mechanisms of social control.<sup>2</sup>

Perhaps a comparative perspective can help resolve the contradictions between the progressive and conspiratorial views of professionalism. With its highly developed system of academic occupations, Germany offers an interesting contrast to the Anglo-American pattern that dominates the current discussion. Although the notion of *Berufsstand* is the functional equivalent of "profession," it has a somewhat different ideological ring with stronger religious (calling) and premodern (estate) connotations. The strengths and limits of professionalism also come into clearer focus in an extreme situation such as during the Third Reich when its very survival and ethics were in question.<sup>3</sup> To avoid the

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<sup>1</sup> H. Perkin, "Professionalization and English Society since 1880" (Paper, Princeton, 1979); T. Parsons, "Professions," in: *International Encyclopedia for the Social Sciences* (New York, 1968), 12, p. 545; D. Bell, *The Coming of Post-Industrial Society* (New York, 1976); and K.H. Jarausch, ed., *The Transformation of Higher Learning: Expansion, Diversification, Social Opening and Professionalization in England, Germany, Russia and the United States* (Chicago, 1983), p. 28ff.

<sup>2</sup> G.L. Geison, *Professions and Professional Ideologies in America* (Chapel Hill, 1983), p. 5ff. Cf. B. Bledstein, *The Culture of Professionalism: The Middle Class and the Development of Higher Education in America* (New York, 1976); E. Freidson, *Profession of Medicine: A Study in the Sociology of Applied Knowledge* (New York, 1970); and M.S. Larson, *The Rise of Professionalism: A Sociological Analysis* (New York, 1976).

<sup>3</sup> C.E. McClelland, "Professionalization and Higher Education in Germany," in K.H. Jarausch, ed., *Transformation of Higher Learning*, pp. 306-320; W. Conze, "Beruf," in *Geschichtliche Grundbegriffe*, (Stuttgart, 1972), 1, pp. 490-506; H.-E. Tenorth, "Professionen und Professionalisierung. Ein Bezugsrahmen zur historischen Analyse des 'Lehrers und

narrowness of most single-profession studies it is essential to represent the three major employment situations, such as free professions (lawyers), state officials (high-school teachers), and white collar employees in business (graduate engineers). It is, moreover, necessary to chart tensions within occupations between elites, normal practitioners, and marginal members (such as beginners, the less qualified, etc.). The complexities of professionalization also require a multidimensional approach, beginning with education (training, certifying), but including also economic well-being (market control, income), and social status (societal esteem), taking into account ethics (values, self-image) as well as organizational efforts (interest group politics).<sup>4</sup> The subsequent reflections therefore address a double question: How can one, in absence of a firm monographic base, begin to think about the contradictory role of the professions in the Third Reich? Is professionalism inherently problematic or do its perils stem from particular misuses under peculiar circumstances?

The German professions welcomed the Nazi seizure of power with restrained enthusiasm. The *Deutscher Philologenverband* pledged its participation "in the service of national rebuilding," hoping that the Third Reich would end the professional crisis of the Weimar Republic and thereby lead to "re"-professionalization. As I have recently suggested in the *Journal of Contemporary History*, in the last years before 1933 German professionals faced severe overcrowding of the universities, which resulted in a sizable overproduction of graduates clamoring for entry into the professions. At the same time, the Great Depression threw tens of thousands of industrial employees out of work, decreased the incomes of free professionals (fewer people used their services), and cut the salaries of government officials between one-third and one-half. Although professionals generally suffered less than white or blue collar workers, they reacted sharply to this relative deprivation, since their status and self-esteem rested on an elevated (*standesgemäße*) lifestyle which they were unable to maintain. Hence many identified their particular plight with a "crisis" of law, of culture, or of technology, and began to call for exclusionist solutions (*nu-*

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seiner Organisationen', in: M. Heinemann, ed., *Der Lehrer und seine Organisation* (Stuttgart, 1977), p. 457ff; and A.J. Heidenheimer, "Professions, the State and the Police(y) Connection" (M.S., St. Louis, 1982). Monographic historical study of the professions in the Third Reich is just beginning. Cf. F. Kudlien, ed., *Ärzte im Nationalsozialismus* (Cologne, 1985).

<sup>4</sup> K.H. Jarausch, "The Crisis of the German Professions, 1918-1933," *Journal of Contemporary History*, 20 (1985), pp. 379-398 explains the methodology more thoroughly. Cf. also the special issue of *Geschichte und Gesellschaft* on "Professionalisierung," edited by D. Rüchemeyer, 6 (1980), p. 331ff. and the introduction to the volume edited by W. Conze and J. Kocka, *Bildungsbürgertum im 19. Jahrhundert. Bildungssystem und Professionalisierung in internationalen Vergleichen* (Göttingen, 1985). Since this essay is a conceptual overview, it can cite archival sources only in an exemplary fashion. Despite NS censorship the professional journals contain rich material on their members' aspirations beyond official policy, especially when checked against the SOPADE or SD *Stimmungsberichte*.

merous *clausus*) such as barring beginners, Jewish competitors, or newly professionalized women.<sup>5</sup>

When the established organizations such as the *Deutsche Anwaltsverein*, *Deutsche Philologenverband*, or *Verein Deutscher Ingenieure* could not alleviate their plight, a few professionals searched for radical alternatives on the Left (Republican Lawyers' League, Association of Socialist Teachers, AFLD, etc.). But greater numbers founded Nazi professional leagues such as the *Bund NS Deutscher Juristen* for lawyers (1928), the *NS Lehrerbund* for teachers (1926-1929), or the *Kampfbund der Deutschen Architekten und Ingenieure* for engineers (1931). Young and technical professionals especially succumbed to the Nazi lure. Discouraged by the failure of the last republican and the final authoritarian governments, by January 1933 the majority of professionals looked for more energetic action from the Nazi cabinet. "The [new] government has received a mandate from the German people which exceeds all previous powers. It is inspired by the purest will and by irresistible resolve. We want to serve it," the high-school teachers vowed: "Our goal must be the maintenance of organizational tradition, expertise and integrity as well as the fusion of the valuable experiences of the past with the living forces of the present."<sup>6</sup> But would the Nazis respect professionalism, would they at least allow expertise to exist or would they be hostile to its central ethical values?

The first aim of Nazi professional policy was the *Gleichschaltung* (that is, control) of the occupational organizations. Among lawyers the NS-takeover was swift, but somewhat incomplete. Already in March 1933, prominent Jewish and democratic professional leaders resigned from the boards. Confronted with an ultimatum by the rabid Nazi jurist Roland Freisler, undermined by an NS trojan horse (Voss) from within and misled by assurances from *Reichsjuristenführer* Hans Frank, on May 18 the delegate Assembly of the *Deutsche Anwaltsverein* ratified the collective integration of their organization into the

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<sup>5</sup> M.H. Kater, "Physicians in Crisis at the End of the Weimar Republic," in: P.D. Stachura, ed., *Unemployment and the Great Depression in Weimar Germany* (London, 1986). L.D. Stokes, "Professionals and National Socialism: The Case Histories of a Small-Town Lawyer and Physician, 1918-1945," *German Studies Review*, 8 (1985), pp. 449-480; D. Krause-Vilmar, "Der aufziehende Faschismus und die Lehrerschaft in Deutschland," in: *Lehrerschaft, Republik und Faschismus, 1918-1933* (Cologne, 1978), pp. 7-24; and E. Viefhaus, "Ingenieure in der Weimarer Republik: Bildungs-, Berufs- und Gesellschaftspolitik 1918-1933," in: *Technik, Ingenieure, und Gesellschaft* (Düsseldorf, 1981), p. 289ff.

<sup>6</sup> Quotations from: Deutscher Philologenverband, "Im Dienst der nationalen Aufbauarbeit," and "An die deutschen Philologen," *Philologenblatt*, 41 (1933), Nos. 12 and 15/6. M.H. Kater, "Generationskonflikt als Entwicklungsfaktor in der NS-Bewegung vor 1933," *Geschichte und Gesellschaft*, 11 (1985), pp. 217-243 and preliminary results of an analysis of a stratified sample of 2,428 professional, semi-professional, and protoprofessional NSDAP members in the NS *Hauptkartei*. The literature on the German professions in the Third Reich is rudimentary. See D. Anderson, "Historians and Lawyers: On Writing the History of Law in the Third Reich," *Research Studies*, 50 (1982), pp. 119-129.

BNSDJ, hoping to maintain its integrity within the larger Nazi legal umbrella. But under the leader of the *Fachgruppe Rechtsanwälte*, W. Raeke the approximately 15,000 member DAV was formally dissolved in December 1933, its considerable assets squandered and its newsletter nazified. Only in local bar associations and the internationally famous journal *Juristische Wochenschrift* did a vestige of former autonomy survive.<sup>7</sup>

The coordination of high-school teachers proved more difficult. Led by the charismatic Bayreuth public schoolteacher Hans Schemm, the NS teachers' league (NSLB) quickly bludgeoned the 150,000 strong Deutsche Lehrerverein (DLV) of primary school teachers into submission. But the academically trained *Philologen* refused to be swallowed by this mass organization of their intellectual or social inferiors, thinking that as traditional nationalists they only had to nazify their leadership under Kurt Schwedtke in order to survive. Supported by the Prussian Minister of Interior Frick, the *Philologenverband* sought to rally other remaining teachers' organizations in a *Deutsche Erzieher Gemeinschaft* (DEG), conceding only political leadership to the NSLB, but insisting on its professional autonomy. By the spring of 1935 the appearance of a competing NS journal for high-school teachers (the *Deutsche Höhere Schule*), the erosion of local membership which was pressured to resign, and the lack of support by the education ministry led to the collapse of the *Philologenblatt* and to the dissolution of the association in 1936. The some 30,000 academic teachers were individually forced to join the NSLB, which maintained only a special *Fachschaft* (section) for them, ending all organizational autonomy.<sup>8</sup>

Curiously enough, among the engineers the *Gleichschaltung* was the most complicated and protracted. The self-nazification of the leadership of the 28,140 member *Verein deutscher Ingenieure* (VDI) made it possible to beat off an overt takeover attempt by the cranky Gottfried Feder (and the KDAI) in the spring of 1933. By combining four other organizations into a *Reichsbund der deutschen Technik* (RTA), the engineers effectively used the greater freedom of the technical and economic spheres to maintain their organizational identity. Only the foundation of an efficient *NS Bund der Deutschen Technik* (NSBDT),

<sup>7</sup> Documents in PrGStA Dahlem, Rep 84a, vol. 74f. and R. Schraut, ed., *Deutscher Juristentag 1933* (Berlin, 1933). Cf. also F. Ostler, *Die deutschen Rechtsanwälte, 1871-1971* (Essen, 1982, 2nd rev. ed.), p. 229ff. Disappointing: D. Rüchemeyer, *Lawyers and Their Society* (Cambridge, Massachusetts, 1973). For background see also H. Siegrist, "Gebremste Professionalisierung – Das Beispiel der Schweizer Rechtsanwaltschaft im Vergleich zu Frankreich und Deutschland im 19. und frühen 20. Jahrhundert," in: Conze-Kocka, *Bildungsbürgertum*, pp. 301-331.

<sup>8</sup> Files in the Federal Archives, Coblenz, NS 12, No. 637ff. Cf. also J. Erger, "Lehrer und Nationalsozialismus. Von den traditionellen Lehrerverbänden zum Nationalsozialistischen Lehrerbund (NSLB)," in: M. Heinemann, ed., *Erziehung und Schulung im Dritten Reich* (Stuttgart, 1980), 2: p. 206ff; H. Küppers, "Zum Gleichschaltungsprozess der öffentlich organisierten Erziehung in den Jahren 1933/34," *ibid.*, 232ff; and R. Bölling, *Sozialgeschichte der deutschen Lehrer* (Göttingen, 1983), p. 136ff.

led by the dynamic *Autobahn*-builder Fritz Todt, created an attractive NS alternative which succeeded in foiling the designs of the DAF (the yellow union of the Third Reich) and in swallowing the RTA from the inside. In the spring of 1937 the technical professional associations were transformed into subsidiaries of the NSBDT, with sixteen of formerly eighty groups surviving in nine sections (*Fachschaften*) with their previous journals. About 81,000 of the approximately 222,000 engineers were therefore under Nazi leadership, albeit more indirectly than the other professionals.<sup>9</sup>

A second major thrust of NS policy towards the professions was the alleviation of the professional crisis, inherited from the Weimar Republic. In the spring of 1933 professional organizations like the *Philologenverband* were clamoring for “(1) an immediate regulation of the influx” of new professionals and for “(2) the restoration of normal working conditions.” Built on earlier discussions, ministerial preparations and suggestions of NS affiliates, Nazi measures could be drastic in intent and thorough in implementation, since they were no longer restrained by parliamentary considerations. The most dramatic initiative was the ruthless purge of public officials and professionals, euphemistically called “the law for the restoration of professional public service” of March 9, 1933. Directed primarily against Nazi political enemies on the Left, it aimed to eliminate all communist and other politically unreliable officials on the basis of a lengthy questionnaire. Animated by virulent anti-Semitism, this law also fired all Jewish public servants, unless they had been appointed before 1914 or had served in the First World War. Aside from state employees like teachers, it also involved free professionals and industrial employees, since the lawyers’ and engineers’ organizations on their own expelled their “undesirable” members, gradually robbing them of their livelihood. Within the restricted religious classification of the German census, the anti-Semitic purge applied to 1,443 engineers (.71%), 1,640 teachers (.57%), and 3,030 lawyers (a sizable 16.25%), while broader racial definitions later increased these figures considerably.<sup>10</sup>

The “law against the overcrowding of German schools and universities” of April 25, 1933 was a second crisis response. It sought to regulate “the number

<sup>9</sup> Material in the Federal Archives, Coblenz, NS 14, No. 1ff. and F. Todt, “Die Aufgaben der deutschen Technik,” *Rundschau Technischer Arbeit*, 17 (1937), no. 39. See also the detailed account by K.-H. Ludwig, *Technik und Ingenieure im Dritten Reich* (Düsseldorf, 1974), pp. 105-150; as well as his, “Der VDI als Gegenstand der Parteipolitik 1933 bis 1945” in: *Technik, Ingenieure und Gesellschaft*, pp. 407-427; and T.P. Hughes, “Technology,” in H. Friedlander, ed., *The Holocaust: Ideology, Bureaucracy and Genocide* (New York, 1980).

<sup>10</sup> A. Bohlen, “Arbeitsbeschaffung und Arbeitsmarkt,” *Philologenblatt*, 41 (1933), p. 97ff; and “Durchführungsverordnung zum Gesetz zur Wiederherstellung des Berufsbeamtentums,” *ibid.*, p. 234ff. Figures from *Statistik des Deutschen Reiches* 1933, 451 (1934), no. 5, p. 26. For the general background cf. also H. Mommsen, *Beamtentum im Dritten Reich* (Stuttgart, 1966), p. 39ff.

of pupils and students to such a degree that thorough training is assured and the demand for professionals is satisfied.” In practice this innocuous language meant a quota system, halving the number of males to be admitted to college, limiting female students to ten percent of the males, and restricting the number of Jewish pupils to the presumed proportion of non-Aryans in the German population (1.5%). (By 1938 the Nuremberg Laws and subsequent anti-Semitic orders had forced three-fourths of the remaining 27,500 Jewish children out of public education.) Even if it was not always strictly adhered to and student numbers had started to decline of their own accord, this decree and further guidelines contributed to a drastic reduction of educational access.<sup>11</sup>

A final group of measures barred entry into certain professions such as law to females, and short of accepting a full *numerus clausus*, made professional training after college more competitive and time-consuming in order to frighten off applicants. The badly paid apprenticeship for young lawyers was extended to an unprecedented four years. Only half of the number of applicants was admitted as high-school teacher trainees, also screened increasingly according to political standards, such as NS party or Hitler Youth membership.<sup>12</sup> For those professionals not affected by the dismissals or those students not barred from training, these stringent Nazi measures promised to restore the old imperial luster to professional careers.

Another area of Nazi concern was the redefinition of professional ideology as the basis for restored practice, purged of the “abuses” of the liberal and socialist “system.” Through a complex dialogue between Old Fighter fanatics, nazified ministerial bureaucrats, and nationalist professors, new professional aims and roles gradually evolved in the Third Reich. Under the leadership of the ambitious lawyer Hans Frank and his Academy for German Law, jurists developed a conception of *deutsches Volksrecht* as a “typical instrument of order.” In sharp contrast to the individualistic legal tradition, law now became “the fulfillment of the idea of community: What guarantees the existence of a people is just.” Such a recasting of both criminal and civil law in accord with the racial, biological, and communitarian values of NS *Weltanschauung* required the creation of a new type of attorney, “not as representative of the

<sup>11</sup> “Verminderung des Andrangs zum Hochschulstudium,” *Philologenblatt*, 41 (1933), p. 154ff; and “Gesetz gegen die Überfüllung deutscher Schulen und Hochschulen,” *ibid.*, p. 209f. Cf. A Götz von Olenhusen, “Die ‘nichtarischen’ Studenten an den deutschen Hochschulen,” *Vierteljahrshefte für Zeitgeschichte*, 14 (1966), p. 175ff; K.H. Jarausch, *Deutsche Studenten, 1800-1970* (Frankfurt, 1984), p. 176ff; and Werner T. Angress, *Generation zwischen Furcht und Hoffnung. Jüdische Jugend im Dritten Reich* (Hamburg, 1985).

<sup>12</sup> K. Lang, “Die Erziehung des Rechtswahrrernachwuchses. Voraussetzungen und Möglichkeiten,” *Deutsches Recht*, 9 (1939), p. 3ff; “Regelung des Zugangs zur Studienratslaufbahn,” *Philologenblatt*, 41 (1933), p. 154. Cf. also the professional guides of the Akademisches Auskunftsamt Berlin, *Der Lehrer an höheren Schulen* (Berlin, 1940); *Der Maschinenbauingenieur* (Berlin, 1941); and *Der Rechtsanwalt* (Berlin, 1940).



interests of his client, but as participant in the finding of justice in each particular case.” Only lawyers who possessed “a certain ideological-political as well as substantive qualification” could function in such a conciliatory rather than adversary role.<sup>13</sup>

High-school teachers faced an equally drastic recasting of their professional goals: “German youth shall be consciously molded according to the principles of national-socialist *Weltanschauung*.” Inspired by the *völkisch* pedagogy of E. Krieck and A. Bäumler, German teachers were no longer primarily to transmit knowledge or to shape neohumanist personalities, but rather to form racially conscious National Socialists. Such novel methods as communal education (*Gemeinschaftserziehung*) and new topics such as Germanic mythology, racial science, and athletic competition necessitated a restructuring of secondary institutions to concentrate pupils in the nationalistic *Deutsche Oberschule* and to separate female secondary training (for motherhood) once again. Instead of a scholar, the teacher now was supposed to be an *Erzieherpersönlichkeit* who educated by the force of his personality as much as by his superior knowledge. “It must be a self-evident duty for every high-school teacher ... to participate in some manner in the broader social life of our people, if not in the party then in the SA, the *Volkswohlfahrt*, the civil defense ... and so on.”<sup>14</sup>

On the surface less overtly ideological, engineers nonetheless transformed their professional self-image along the lines of “reactionary modernism.” In response to anti-technological criticism, the *Diplomingenieure* especially developed a technocratic communitarianism as solution to the “cultural crisis.” This vague notion of *Gemeinschaftsarbeit* could be turned towards National Socialism in spite of the latter’s neo-romantic and irrational strains. Nazi technicians sought to throw off the dual yoke of capitalism and bureaucracy, promising that “a technical spirit will very largely determine the face of the emerging Third Reich.” The NS-engineer would, in return for growing influence, have to “abandon his materialist outlook” as well as his apolitical reserve. In such a new spirit he ought to tackle his practical tasks of

creating work in town and countryside, broadening the raw-material base, re-socializing the unemployed through settlement, training citizenship through labor-service, strengthening our armed forces and *Gleichschaltung* of technical education.

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<sup>13</sup> H. Frank, “Das Recht im Reich,” *Deutsches Recht*, 7 (1937), p. 1ff; R. Heuber, “Erfolge und Ziele des Rechtsstandes,” *ibid.*, p. 352f; and Prof. E. Noack, “Volk, Gesetz und Recht,” *ibid.*, 8 (1938), p. 3ff. Cf. also K. Anderbrügge, *Völkisches Rechtsdenken. Zur Rechtslehre in der Zeit des Nationalsozialismus* (Berlin, 1978) and D.L. Anderson, “The Academy for German Law, 1933-1944” (Dissertation, Ann Arbor, 1982).

<sup>14</sup> Quote from R. Eilers, *Die NS-Schulpolitik. Eine Studie zur Funktion der Erziehung im totalitären Staat* (Cologne, 1963); and F. Winter, “Der Philologe im Dritten Reich,” *Deutsche Höhere Schule*, 2 (1935), p. 313ff. Cf. also H. Scholz, “Die Schule als ein Faktor nationalsozialistischer Machtsicherung,” in: Heinemann, *Erziehung und Schulung*, p. 31ff.

With Hitler's personal blessing, engineers would become the pioneers of "progress for all *Volksgenossen*."<sup>15</sup>

While some resented NS organizational control, most practicing professionals responded positively to Nazi "reprofessionalization." At least the Hitler government seemed to be doing something about their vexing problems and the nationalist ring of its rhetoric encouraged the illusion of a restoration regime. To be sure the "intoxicated enthusiasm" of the seizure of power soon wore off and in mid-1934 Socialist reporters noted a decided "change of mood" among professionals: But grumbling about "brutalization of justice" among attorneys, "reglementation" of the school among teachers or overwork in the factories among engineers became a harmless habit which indirectly helped stabilize the Nazi regime. For instance, the introduction of compulsory labor service for both sexes after high-school graduation and the reintroduction of military conscription lengthened the education process. But, as compensation, Minister of Education Rust shortened secondary schooling by one year (to eight) starting in 1937, in order to "guarantee the two most important goals of manpower for the army and the university." Similarly, the sharper physical, character, intellectual, and racial "selection of pupils in the high schools" narrowed access to professional education, but could be interpreted positively as *völkisch* elite building.<sup>16</sup>

With the lessening influx of new graduates, the purge of Jewish and leftist competitors, and the gradual return of full employment, the economic situation of the professionals improved dramatically. In 1937, the office for "career counseling" (*Berufsbetreuung*) for attorneys proudly pointed to "improving professional prospects." Two years later the head of the lawyer's section of the NSRB grudgingly admitted "that the professional income of the attorneys has increased," indicating that even in this most overcrowded occupation material conditions were getting considerably better. Teachers could similarly note with satisfaction that in the spring of 1935 the state hiring freeze was lifted so that "the situation of the assessors has turned around." The rescinding of some of the last economy measures of the Weimar cabinet (such as the extension of the teaching load) not only led to the rehiring of a thousand dismissed high-school

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<sup>15</sup> G. Feder, "Geleitwort," *Deutsche Technik*, 1 (1933), no. 1; F. Schmidt, "Der Kampfbund Deutscher Architekten und Ingenieure," *ibid*; memorandum for local affiliates in *VDI-Zeitschrift*, 77 (1933), p. 1127f; and R. Heiß, ed., *Die Sendung des Ingenieurs im neuen Staat* (Berlin, 1934). Cf. Ludwig, *Technik und Ingenieure*, p. 141ff, p. 150ff. and now also J. Herf, *Reactionary Modernism: Technology, Culture and Politics in Weimar and the Third Reich* (Cambridge, 1984), p. 152ff.

<sup>16</sup> *Deutschland-Berichte der SOPADE. Erster Jahrgang 1934* (reissued in Frankfurt, 1980), May 17, June 26, November 6, 1934, *passim*. "Bestimmungen über den Eintritt in den Arbeitsdienst," *Deutsche Höhere Schule*, 3 (1936), p. 390; C. Barzel, "Die Verkürzung der Schulzeit in Zahlen," *ibid.*, 4 (1937), p. 28ff; Minister Rust decree, "Schülerauslese an den höheren Schulen," *ibid.*, 2 (1935), p. 262f.

teachers, but to some improvement in their pay – even if it never regained the levels of the late Empire. In the beginning rearmament boom, engineers did even better, since ever more elaborate advertisements in their journals show that they were everywhere in demand.<sup>17</sup>

In terms of social status, the result of NS policies was more problematic. In spite of the initial egalitarianism of the left wing of the Nazi Party, the academic professions escaped being swallowed up in the amorphous German Labor Front and won party recognition through special *Hauptämter*. But the price was the acceptance of uniformity in a larger legal front (*Rechtsfront*), including non-academic legal aides, or in a single teacher type, dominated by primary schoolteachers, and in one engineering profession, comprising all gradations from university to lower level training. One writer commented that “philologist circles are incensed about their *Gleichschaltung* with primary teachers in the NSLB.” Since press clipping files show that many Nazis shared Hitler’s personal antipathy toward attorneys and dislike of schoolteachers, only engineers gained social esteem in the Third Reich. On the local level *Akademiker* were still sought after as effective propagandists or administrators, but the party remained suspicious of their unconditional loyalty.<sup>18</sup>

The impact of ideological nazification on professional practice was considerable, although it lagged continually behind NSDAP expectations. In a mixture of repression and motivation, the NS professional organizations used redefined codes of ethics, countless indoctrination camps (*Schulungslager*) and economic rewards (consulting jobs) to assure ideological conformity.<sup>19</sup> How did the new values of “state, race, soil, work and honor” affect legal practice? The crucial change was the redefinition of the role of the attorney to “an organ of the administration of justice [*Rechtspflege*]” which made it “his professional

<sup>17</sup> See the regular column on *Berufsbetreuung* in the law journal or the *Mitteilungsblatt des NSRB* (1937ff); and H. Droge, “Gegenwartsprobleme der Anwaltschaft,” *Deutsches Recht*, 9 (1939), pp. 1113-1118. “Zur Lage der Studienassessoren,” *Deutsche Höhere Schule*, 3 (1936), p. 737; W. Bolle, “Neue Bahnen in der preußischen Bildungspolitik,” *Philologenblatt*, 41 (1933), p. 187ff; “Die Ingenieurhilfe des VDI und ihre Entwicklung,” *VDI-Nachrichten*, 15 (1935), no. 21; and “Gibt es keine stellungslosen Ingenieure mehr?” *ibid.*, no. 45. Cf. also Bölling, *Sozialgeschichte der deutschen Lehrer*, p. 153ff.

<sup>18</sup> *Deutschlandberichte*, June 26, 1934. See H. Picker, *Hitlers Tischgespräche im Führerhauptquartier* (Stuttgart, 1976, rev. ed.), *passim*. Cf. W. Best, “Kritik und Apologie des ‘Juristen’,” *Deutsches Recht*, 9 (1939), no. 7; J. Derbolaw, “Autorität und Entwicklung. Der Wandel des Lehrerideals in den Augen der reiferen Jugend,” *Deutsche Höhere Schule*, 7 (1940), p. 412ff; and the files on the defense of the profession in BA Koblenz, NS 12, 14, and 16 respectively. Cf. also F. Mehnert, ed., *Partei-Statistik. Stand 1. Januar 1935* (Munich, 1935?), p. 70f.

<sup>19</sup> H. Frank, “Nationalsozialistischer Ehrenschatz,” *Deutsches Recht*, 7 (1937), p. 265ff; G. Mauntz, “Der Sinn der nationalpolitischen Schulungslehrgänge für Erzieher,” *Deutsche Höhere Schule*, 2 (1935), p. 400ff; and *Deutschlandberichte*, March 14, April 12, 1935. For the self-policing of the professions cf. also M. Hachenburg, *Lebenserinnerungen eines Rechtsanwalts* (Stuttgart, 1978), p. 145ff.

task to represent, in the interest of his client, what he considers true and right in a given case.” Conciliation rather than litigation became the imperative, so much so that some commentators declared appeals with little chance of success unethical! The party also instituted a legal consulting service, “voluntarily” carried out by attorneys, which in some 258,603 cases discouraged going to court, in 5,688 incidents suggested a formal compromise, and referred only 39,872 instances to a lawyer for further action (1938). At the same time, the notion of *Volksschädling* (parasite) politicized common crime, making it harder to defend the declining number of criminals (due to rising prosperity and harsher punishments). Hence lawyers had to scramble for business in civil cases such as countless paternity suits, brought on by the racial laws, or divorce cases, encouraged by the curiously progressive no-fault principle (*Zerrüttungsprinzip*).<sup>20</sup>

In the high-schools, the transformation of professional practice was equally thorough. The NSLB high-school teacher section leader K. Frank defined the new goals:

We should no longer educate men crammed with as much knowledge as possible, but physically healthy, racially conscious Germans, capable of independent judgment and possessing strong character, who are in touch with and rooted in the blood and soil of their home and actively participate in the living rhythm of their nationality [*Volkstum*].

In order to become “lively educators and leaders of youth” secondary education majors were forced to begin their study with two semesters at a teachers’ college (Hochschule für Lehrerbildung) together with public schoolteacher trainees. The key change in “transforming the spirit of the school” involved the introduction of “human genetics and racial science into the curriculum” in September 1933: “Beyond the basic facts, [teachers] should stress implications for all subjects and areas of life as well as build national socialist consciousness.” History also became more significant, although in a strangely twisted way. “Not economics or the course of fate are the motive forces of the world, people and state, but thought and will stemming from racial sources as well as the men who possess and implement them.” In general, the Germanic subjects now grew into the core of the curriculum, while the tasks of character building and physical toughening loomed larger than traditional intellectual pursuits.<sup>21</sup>

<sup>20</sup> W. Raeke, “Vier Jahre nationalsozialistischer Rechtsgestaltung,” *Deutsches Recht*, 7 (1937), p. 3f; H. Droege, “Wahrheitssuche und Rechtssuche – die wirksamsten Waffen des Rechtsanwalts,” *ibid.*, 9 (1939), p. 548ff; F.W. Adami, “Das Programm der NSDAP und die Rechtssprechung,” *ibid.*, p. 486ff; E. Hillrichs, “Zur Frage der standesrechtlichen Zulässigkeit aussichtsloser Revisionsbegründungen,” *ibid.*; H. Frank, “Kampf für deutsches Volksrecht,” *ibid.*, 8 (1938), p. 353ff; and “Rechtsbetreuung 1938,” *ibid.*, 9 (1939), no. 11.

<sup>21</sup> “Bericht über die Sondertagung der Fachschaft 2,” (reporting the Frank speech), *Deutsche Höhere Schule*, 3 (1936), p. 564ff; W. Erxleben, “Die Berufsvorbildung der Philologen,” *ibid.*, 2 (1935), p. 842f; Dr. Benze, “Schulreform und Fachschaftsarbeit,” *ibid.*, p. 305ff;

The professional sphere of the engineers was only apparently less touched by ideological considerations. For a while the inherent conflict between technical innovation and business profit seemed suspended in the Nazi emphasis on production over costs (such as in the development of costly synthetic fuels). The sweeping state projects of peoples' radio or car (Volkswagen) and the building of the *Autobahnen* could encourage a nationalist technological mysticism, documented in glossy photo-essays on the achievement of German technology. The triple agenda of achieving military, raw material, and economic independence (*Wehr-*, *Rohstoff-*, and *Energiefreiheit*) posed a formidable challenge in developing arms designs, substituting Ersatz materials and rationalizing production. But, the anti-industrial and anti-urban tendencies of Nazi ideology made this politicized Nordic technology (*Technopolitik*) an uneasy amalgam of contradictory impulses. Hence restored employment had greater impact on everyday professional life of engineers, many of whom did not bother to reflect on what they were building for.<sup>22</sup>

The effect of the Nazi measures upon the organized pursuit of collective interests was also contradictory. In spite of the national community rhetoric of the Third Reich and the surface impression of uniformity, intense struggles continued both within professions and among occupations. Of course, the political primacy of the NSDAP continued unchallenged. But, it remained continually in question which party formation was in control – the NS-professional organization, the professional party office (such as the *Hauptamt für Erziehung*), the party chancellery under Hess/Bormann, the Reich Chancellery under Lammers, the respective ministry (such as Justice, under Gürtner), Himmler's SS, or any one of the variety of economic and other interest groups. Hence, within the overall guidelines of NS-ideology, professional organizations lived in a Darwinian world of struggles for survival, depending for their success and influence on the fate of their respective protector.<sup>23</sup>

Within the professions, the junior ranks managed to improve their lot somewhat, without fundamentally altering the hegemony of the professional elites. Each of the NS professional affiliates had a special section for entering professionals (such as *Assessoren*) which held separate meetings, was granted

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"Vererbungslehre und Rassenkunde im Unterricht," *ibid.* p. 121f; D. Schäfer, "Grundsätze für die Aufstellung eines Geschichtslehrplans in der nationalsozialistischen höheren Schule," *ibid.*, 3 (1936), p. 257ff.

<sup>22</sup> Todt, "Ingenieur und Reichsautobahn," *Deutsche Technik*, 3 (1935), no. 6; "Aufgaben der deutschen Technik," *ibid.*, 4 (1936), no. 10; A. Gießler, "Der nordische Mensch und die Technik," *ibid.*, 5 (1937), no. 2 and similar articles in the *VDI-Nachrichten*. Ludwig, *Technik und Ingenieure*, p. 160ff. Somewhat superficial for this period is W. Neef, *Ingenieure. Entwicklung und Funktion einer Berufsgruppe* (Cologne, 1982).

<sup>23</sup> W. Feiten, *Der Nationalsozialistische Lehrerbund. Entwicklung und Organisation* (Weinheim, 1981). The evidence on the professions supports the functionalist rather than intentionalist argument. Cf. P. Hüttenberger, "Nationalsozialistische Polykratie," *Geschichte und Gesellschaft*, 2 (1976), pp. 417-442.

some subordinate space in the journals, and sought to vocalize the grievances of its constituency, occasionally even through petitions to the appropriate ministry. In spite of this considerable activity (which mainly served to defuse the frustrations of the younger cohorts), the organizations and ministries were dominated by senior professionals and not very responsive to the plight of the young. Only the general improvement of the professional market ultimately neutralized junior discontent.<sup>24</sup>

In the competition between professions, the lawyers also scored some initial successes, since their disastrous situation made energetic measures politically persuasive. In a remarkable law of July 1933 they managed to exclude all non-attorneys from the courts, thereby effectively barring para-legals from appearing on behalf of their clients. Similarly, in October 1934, attorneys succeeded in pushing industry-employed syndics with lawyer qualifications out of the courtroom. However, the incensed protests of the concerned competitors backed by industry eventually reversed some of these displacement measures so that, in the end, *Rechtspfleger* were readmitted as a more circumscribed section, into the legal front (renamed NSRB) and *Syndici* were only forbidden to appear on behalf of their employers. A similar struggle between academic dentists and artisan dental technicians also did not result in a full victory of the former.<sup>25</sup>

Nevertheless, a process of professionalization also continued in some areas of the Third Reich. In Prussia, notary publics had been combined with lawyers. However, on July 1, 1937, they became a “free profession, whose members stand in a public trust relationship to the *Führer*.” Other occupations succeeded in professionalizing for the first time, such as the trustees who combined legal and accounting functions. Recognized as “*Wirtschaftstreuhänder NSRB*” they established testing as well as admissions criteria and formed a subsection of the jurists league. For others, such as the primary schoolteachers, control of the NS affiliate (NSLB), the *Abitur* requirement for study at the *Hochschulen für Lehrerbildung* as well as the NS rhetoric of a “uniform teachers’ estate” meant steady progress in their long climb towards professional respectability. The continued power of the existing professions and elites was purchased at the

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<sup>24</sup> As examples of activity, “Reichslehrgang für Jungerzieher,” *Deutsche Höhere Schule*, 4 (1937), p. 726f including a summary of the twenty points of the assessors’ petition; “Berichte über die Lage der Studienassessoren” *ibid.*, 5 (1938), p. 476ff. For beginning engineers the *VDI-Nachrichten* founded in 1935 a special supplement, called *Der Jungingenieur*. Cf. also A. Nath, “Der Studienassessor im Dritten Reich,” *Zeitschrift für Pädagogik*, 27 (1981), pp. 281-306.

<sup>25</sup> P. Hüttenberger, “Interessenvertretung und Lobbyismus im Dritten Reich,” in: L. Kettenacker, ed., *Der “Führerstaat”. Studien zur Struktur und Politik des Dritten Reiches* (Stuttgart, 1981), p. 429ff; as well as material in the lawyer files of the PrGStA Rep 84a, vols. 76ff. and the BA Koblenz R22, vols. 251ff.

price of some concessions to the aspirations of rising groups.<sup>26</sup> While populist strains in NS-ideology could be used to justify further professionalization, elitist tendencies of the same ideas could be employed to reject such demands. Ultimately, the greatest dynamism of “professionalism” in the Third Reich, however, lay neither in the established nor aspiring groups, but, with considerably altered meaning of the term, in the rapid expansion of party, military and SS cadres.<sup>27</sup>

In the long run, German professionals faced not the cheerful prospect of *re-*but the chilling specter of *deprofessionalization* in the Third Reich. While initially retaining some of their material gains, the nazified professions experienced severe losses in recruitment, competence, autonomy, and organization. For instance, the manpower planning of the Nazi ministries turned out to be a complete fiasco. After the purge of the remaining Jews in 1938 (World War I veterans or pre-1914 appointees) the number of legal professionals decreased by about one quarter from around 19,200 in 1933 to about 15,000 attorneys in 1939. Similarly, about 5% of 37,500 high-school teachers were dismissed, demoted, or transferred. Only the engineers seem to have escaped relatively unscathed, even though the NSBDT also expelled about 1,500 Jews. Between 1932 and 1938, student numbers contracted dramatically from around 128,000 to about 57,500 with law students shrinking from 18,364 to 4,275, students in the philosophical faculty contracting from 46,243 to 16,049, and students in the *Technische Hochschulen* declining from 20,834 to 9,524!<sup>28</sup> This drastic drop in the pool of prospective professionals was a result of the twenty-five percent fall in the birthrate during the First World War. This reduced the number of Prussian high-school graduates from 19,821 (1932) to 12,418 (1936). Concurrently, the proliferation of attractive career alternatives in the rebuilding military and in the resurging economy cut the proportion of *Abiturienten* willing to study from 78.3% (1928) to 47.9% (1935). Because of mistaken governmental meas-

<sup>26</sup> Notar Wolpers, “Zur Reichsnotarordnung,” *Deutsches Recht*, 7 (1937), p. 291f; “Zulasungs- und Prüfungsordnung für ‘Wirtschaftstreuhänder NSRB’,” *ibid.*, 7 (1937), p. 54ff. The engineers firmly held the line against the artisan *Werkmeister*, but did allow under very special circumstances men with “engineer-like experience” in their occupations to be nominated for the title “*Ingenieur im NSBDT*.” For a related discussion cf. G. Cocks, *Psychotherapy in the Third Reich* (New York, 1985), p. 22ff.

<sup>27</sup> This is an important question which deserves further consideration. Cf. M.H. Kater, *The Nazi Party: A Social Profile of Its Members and Leaders* (Cambridge, 1983), p. 229ff; M. Geyer, *Deutsche Rüstungspolitik 1860-1980*, Frankfurt 1984; and G.C. Boehnert, “The Jurists in the SS-Führerkorps, 1925-1939,” in: Hirschfeld, *Führerstaat*, p. 361ff.

<sup>28</sup> E. Noack, “Die Entjudung der deutschen Anwaltschaft,” *Juristische Wochenschrift*, 67 (1938), p. 279f. and the detailed ministerial statistics in BA Koblenz, R 22, no. 263. Cf. A. Nath, “Der Studienassessor im Dritten Reich,” p. 294f. Dr. Mock of the VDI is working on the purge among engineers. Student figures from H. G. Herrlitz and H. Titze, eds., *Datenhandbuch zur deutschen Universitätsgeschichte 1830-1940* (Göttingen, 1986).

ures and misunderstood social changes, fewer youths of a shrinking pool went on to higher education.<sup>29</sup>

Eventually, the professional purge and sharp decrease in college graduates produced a drastic shortage of professional manpower. "While public opinion before the seizure of power was impressed by the overcrowding of the professions," the statistician Ch. Lorenz drily commented, "in the last prewar years, it became increasingly clear that the future supply of graduates would not in any way suffice for the increasing demand." Since the *Luftwaffe* could not get enough technicians in 1936, the science ministry advanced the slogan "Germany needs capable engineers!" When the last unemployed graduates found teaching positions in 1937, E. Simon predicted that "a deficit of teachers can be expected with certainty." Even the chronically overcrowded lawyers began to debate the coming "shortage of judges as a danger for the administration of justice."<sup>30</sup> By the late 1930s, the severity of the manpower shortage forced the established professionals to abandon their protectionism and the Nazi government to abrogate many of its restrictions on university study (especially for women) and entry into the professions (through shortening the practical training period). But the initial overreaction to Weimar overcrowding eventually endangered the very survival of the professions, since they could no longer attract enough young graduates.<sup>31</sup>

At the same time, the quality of incoming professionals deteriorated significantly, threatening a loss of standards and expertise. Since they could use the decline of *Leistung* of the pupils to defend their own turf, teachers openly discussed the drop in performance under the euphemistic heading of "improving performance in the high-school." Faced with competition by the ubiquitous Hitler Youth and the loss of a whole school year, educators argued: "We must reawaken in the young respect for thorough and patient work and denounce as

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<sup>29</sup> D.K. Müller, ed., *Datenhandbuch zur Deutschen Bildungsgeschichte* (Göttingen, 1986), 1, p. 209 f. and H. Titze, "Die zyklische Überproduktion von Akademikern im 19. und 20. Jahrhundert," *Geschichte und Gesellschaft*, 10 (1984), p. 92ff. Cf. G. Giles, *Students and National Socialism in Germany* (Princeton, 1985).

<sup>30</sup> Ch. Lorenz, *Zehnjahres-Statistik des Hochschulbesuchs und der Abschlußprüfungen* (Berlin, 1943), 1, p. 20ff; "Bedarf und Nachwuchs," in: *Der Bauingenieur*, p. 14ff; E. Simon, "Droht ein Mangel an Philologen," *Deutsche Höhere Schule*, 5 (1938), p. 584ff; Landgerichtsdirektor Goens, "Richtermangel – eine Gefahr für die Rechtspflege," *Deutsches Recht*, 8 (1938), p. 72f.

<sup>31</sup> The discussion in the professional journals recognized this danger, but could suggest few practicable remedies, beyond making propaganda for the respective professional career. Cf. W. Best, "Die Nachwuchsfrage," *Deutsches Recht*, 9 (1939), pp. 501-504; W. Oberle, "Zur Frage des Lehrernachwuchses an den höheren Schulen Preußens," *Deutsche Höhere Schule*, 7 (1940), p. 88ff; and F. Todt, "Jugend, die Technik ruft Euch!" *Deutsche Technik*, 5 (1937), no. 7. For the reversal on women, see J. Pauwels, *Women and University Studies in the Third Reich, 1933-1945* (Westport, 1984). The slight recovery of student numbers in the early 1940s was literally eaten up by the war.



vermin anyone who opposes us in this.”<sup>32</sup> Although it was dangerous to debate such problems publicly during the Third Reich, lawyers also referred to “the well known fears of the decline in the general level of training” at the university – only to refute them, since lack of factual knowledge could be remedied by superior ideology, character, etc. Law professors and practicing attorneys responded to the quality drop in students by suggesting that legal studies be made more practical through “practitioners’ workshops (*Arbeitsgemeinschaften*) at the universities.”<sup>33</sup>

Because the erosion of competence was more visible and dangerous in the technical professions, it was more openly condemned. “We cannot and must not go on like this!” protested the professor of engineering and Old Fighter W. Gürtler to Hitler: “If you don’t intercede, the whole coming generation of young technicians will go to the devil.” The many new “social and national activities” of students necessarily meant that “the purely professional achievements decline.” The war reinforced the existing trend: “If the training level was untenable before, we now experience a catastrophic drop in mastery of information.” The ensuing consultation of the relevant ministries by the Reich Chancellery yielded a disturbing unanimity of complaints. Even the High Command of the army deplored “the ever greater decline of knowledge, of logical thinking and clear expression as well as the decreasing command of the German language in word and speech.” The causes of this deterioration of training were controversial, since their full analysis would uncover the bankruptcy of Nazi educational policy. The “continued sinking” in the level of training could only have led to a decline in actual professional competence.<sup>34</sup>

At the same time, the internal autonomy of professional practice was similarly lost. Although lawyers hailed the establishment of a national bar association (*Reichsrechtsanwaltskammer*) in 1933 as fulfillment of a long-standing aim, it ultimately turned from an articulate advocate of professional aims into

<sup>32</sup> E. Schwarzinger, “Leistungssteigerung in der Höheren Schule,” *Deutsche Höhere Schule*, 8 (1941), p. 342ff; W. Schuh, “Höhere Schule und akademische Nachwuchsfrage,” *ibid.*, 11 (144), p. 2ff; Socialist reports were full of complaints: “North-West German pedagogues inform us of the incredibly poor performances of the high-schools.” *Deutschlandberichte*, March 14, 1935. Cf. D. Horn, “The Hitler Youth and Educational Decline in the Third Reich,” *History of Education Quarterly*, 16 (1976), pp. 425-447.

<sup>33</sup> Prof. F. Klausning, “Zum Rechtsstudium von Kriegsteilnehmern,” *Deutsches Recht*, 11 (1941), p. 2549ff; State Secretary Rothenberger, “Nahziele der Ausbildungsreform” *ibid.*, 13 (1943), p. 2ff; and “Ursachen, Werden und Zwecke der Praktiker-Arbeitsgemeinschaften an den Universitäten,” *ibid.*, 14 (1944), p. 385ff.

<sup>34</sup> Quotes from H. Seier, “Niveauekritik und partielle Opposition. Zur Lage an den deutschen Hochschulen 1939/40,” *Archiv für Kulturgeschichte*, 58 (1976), pp. 227-246; and Giles, *Students and National Socialism*, ch. 6. While the full extent of this erosion of standards cannot be documented precisely, widespread complaints of even convinced Nazis indicate that it was quite real. Cf. H. Boberach, ed., *Meldungen aus dem Reich, 1938-1945. Die geheimen Lageberichte des Sicherheitsdienstes der SS* (Herrsching, 1984), 2, p. 283f.

an instrument of control. Its self-discipline through an ethics code and honor courts was gradually politicized and turned over during the war to the administrative courts in order to ensure that self-discipline became nazification – a final symbolic blow. Teachers who had always been at the mercy of their bureaucratic superiors now saw the sanctity of their classroom eroded by Hitler Youth (pupils) and NSLB (colleagues) informers who often initiated administrative discipline cases. In contrast, the engineers maintained a somewhat greater internal independence, since they depended upon their industrial employers who might or might not place ideological conformity above technical competence.<sup>35</sup>

After the *Gleichschaltung*, there was little doubt that the professions had irretrievably lost their external autonomy as well. The Nazi professional affiliates enjoyed an organizational monopoly which made membership a virtual prerequisite for continuing practice. Lawyers had to belong to the local bar association (*Rechtsanwaltskammer*) in order to practice and only members of the NSRB were listed in the published professional directories. After the dissolution of the *Philologenverband* in March 1936, reluctant high-school teachers were “encouraged” in no uncertain terms to join the NSLB, if they wanted to keep their jobs and insurance benefits. Only engineers had greater latitude, but in order to escape the clutches of the German Labor Front most preferred the “professional” NSBDT.<sup>36</sup>

Within the large Nazi professional organizations, the representatives of an individual profession could only play a subordinate role. Among the “German judges ... notaries, para-legals, officials, young jurists, legal economists, and university professors,” attorneys were but one group, constituting some fifteen percent of the over 100,000 NSRB members. Similarly, among the seven sections of the NSLB, ranging from kindergarten teachers to university professors, the *Philologen* were but one column in “the grand parade of the community of German educators,” accounting for little more than ten percent of the approximately 300,000 members. Alone among the technical occupations were the 42,000 VDI members (1938) strong enough to dominate NSBDT organization, two to three times its size, since they provided its working core. Hence attor-

<sup>35</sup> R. Neubert, “Die neuen Maßnahmen auf dem Gebiete des Anwaltsrechts,” *Deutsches Recht*, 13 (1943), p. 503f; one teacher complained: “One has to have experienced this mixture of informers, ignoramuses and criminal types.” *Deutschland Berichte*, November 6, 1934. There are countless examples in the alphabetic personnel files of the NSRB, NSLB, and NSBDT in the Berlin Document Center. Ostler, *Rechtsanwälte* p. 250ff; Eilers, *NS-Schulpolitik*, passim.

<sup>36</sup> H. Droege, ed., *Mitgliedverzeichnis des NSRB ev. Reichsgruppe Rechtsanwälte*. (Berlin, 1937); Landes Schulbehörde Bremen, “Beitritt der Lehrkräfte zum NSLB,” *Deutsche Höhere Schule*, 3 (1936), p. 232; Feiten, NSLB, p. 83ff; and G. Hortleder, *Das Gesellschaftsbild des Ingenieurs. Zum politischen Verhalten der Technischen Intelligenz in Deutschland* (Frankfurt, 1970, 2nd ed.), p. 123ff. Typically the SD, which reported extensively on lawyers and teachers virtually ignored the engineers, *Meldungen*, 2, p. 121ff.

neys and high-school teachers had great difficulty in formulating and pushing through their demands within the NS organizations, let alone beyond them.<sup>37</sup>

This lack of clout was compounded by the decreasing importance of NS professional organizations in the power struggles of the Third Reich. While the jurists', teachers', and technicians' leagues initially wielded considerable influence in pressing for legal and practical reforms, by the second half of the 1930s the ministries reasserted themselves. Even the establishment of party offices for law, education, and technology (*Hauptämter*) could not disguise the increasing functionalization of the NS affiliates for indoctrination (*Schulung*). "The NSLB does not have the same significance for an educator as the earlier teachers' association which was both a union and place for further training." More and more information and orders flowed from the top down, so that even convinced NS professionals gradually found themselves without channels of influence from below, except for an occasional appeal to the party chancellery which might produce startling results. With the promulgation of "Total War" in 1943 the NSLB was completely suspended, the NSRB reduced to a shadow of its former self, and only the NSBDT continued to flourish as organizer of war-time production.<sup>38</sup>

The Second World War strengthened these deprofessionalizing tendencies through impairing practice and warping ethics, even if it initially energized professionals in the service of a greater cause. Since academics were less enthusiastic in 1939 than in 1914, Nazi professional leaders like Frank tried harder to mobilize their support: "The die has been cast. The German people are joining the struggle of justice against injustice and despotism." For lawyers, the war became a test of internal order. For teachers, the challenge was to reinforce the "'warlike spirit' and psychological determination of the German people." For engineers, the task was even more simple – building the weapons to defeat the enemy.<sup>39</sup> Considerable numbers of professionals were forced to abandon

<sup>37</sup> Hans Frank, "Zehn Jahre Nationalsozialistischer Rechtswahrerbund," *Deutsches Recht*, 8 (1938), p. 398f; P.G. Herrmann, *Zehn Jahre NSLB* (Munich, 1939); Reichsschulungsobmann des NSBDT, *Die Nationalsozialistische Gestaltung der deutschen Technik* (Berlin, 1936). Cf. also Ostler, *Rechtsanwälte*, 234f; Feiten, *NSLB*, 87ff; Ludwig, *Technik*, 170ff.

<sup>38</sup> Minister Thierack, "Die Aufgaben des Nationalsozialistischen Rechtswahrerbundes," *Deutsches Recht*, 12 (1942), p. 1473f; *Deutschland Berichte*, February 2, June 6, 1936. Feiten, *NSLB*, p. 197ff. and Ludwig, "Vereinsarbeit im Dritten Reich 1933 bis 1945," in: *Technik, Ingenieure und Gesellschaft*, pp. 429-459. By 1938/1939 SD informers called "the work of the NSRB practically unimportant" and complained that "the teachers have already largely lost confidence in the NSLB," *Meldungen aus dem Reich*, Jahresbericht 1938.

<sup>39</sup> H. Frank, "An die Rechtswahrer Großdeutschlands," *Deutsches Recht*, 10 (1940) and "Das Recht im Kriege," *ibid.*, 11 (1941), p. 1025ff; W. Hohmann, "Der 'kriegerische Geist' und die seelische Widerstandskraft des deutschen Soldaten," *Deutsche Höhere Schule*, 6 (1940), p. 3 ff; E. Holler, "Die Schule im Krieg – der Krieg in der Schule," *ibid.*, p. 109ff; already in 1936 the *Deutsche Technik* started a new supplement, called *Betrieb und Wehr* in order to propagate rearmament. Cf. "Der Technische Krieg," *Rundschau deutscher Technik*, 18 (1938), no. 31 and W. Dantz, "Die soldatische Haltung," *ibid.*, 19 (1939), no. 24.

their occupation and join the armed forces. About one half of the attorneys served in the military (around 8,000 lawyers in 1940); approximately one third of the male teachers (especially the younger *Assessoren*) was at the front; and many engineers were also mobilized (*Kriegseinsatz*), albeit often in armament factories at home.<sup>40</sup>

The economic and social disruption of the war hit the free professionals especially hard. Initially, military service threatened lawyer families with a drastic loss of income, until a somewhat more generous system of support payments was worked out. More deleterious was the disruption of legal practice, since clients would either switch to other attorneys or cease litigating in spite of the accelerated simplification of legal procedures (*Rechtsvereinfachung*). Because of “the noticeable and considerable decline of business” there were many “reports about the bad economic position of the lawyers.” While teachers at the front were more financially secure (they continued to receive their regular pay), those left behind had to cover the nearly one quarter to one third shortfall of hours through greater exertions of their own. Moreover, they were always asked to “volunteer” for civil defense, social work, and other Nazi activities. Even NS observers habitually complained about the “evident lack of respect for teachers” due to the “deteriorating performance” of pupils or widespread “school problems” such as “lack of personnel, of rooms and of coal” and even of textbooks! Though the engineers were rewarded with some pay raises, they also had to work much overtime, struggle with deteriorating material conditions and participate in various technical emergency services. Some measures sought to help students or veterans (the dropping of the HfL requirement in education, the abbreviating of courses of study in engineering, and the shortening of practical training for attorneys to two years). But the bulk of the established professionals experienced a decided deterioration of their working conditions during the Second World War, making “professional prospects ... extraordinarily poor.”<sup>41</sup>

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<sup>40</sup> H. Frank, “Der Kriegseinsatz der Rechtswahrer,” *Deutsches Recht*, 11 (1941), p. 2530f; “Für den Rechtswahrer im Kriegseinsatz,” *ibid.*, 12 (1942), p. 326; K. Frank, “Rückschau und Ausblick zum 30. Januar 1943,” *Deutsche Höhere Schule*, 10 (1943), p. 2ff; “Ingenieure – Gestalter der Kriegswirtschaft,” *Rundschau deutscher Technik*, 20 (1940), no. 28 and “Der Ingenieur in der Waffenentwicklung,” *ibid.*, no. 40. See also G. Giles, “German Students and Higher Education Policy in the Second World War,” *Central European History*, 17 (1984), p. 330ff.

<sup>41</sup> Boberach, *Meldungen aus dem Reich*, Vierteljahresbericht 1939, October 25, 1939, January 17, 24, August 22, 1940. The professional journals are full of articles describing these war-time problems. Cf. E. Noack, “Die Versorgung der Angehörigen der freien Berufe bei besonderem Einsatz,” *Deutsches Recht*, 9 (1939), p. 1877f; B. Hoja, “Die Verordnung über die Vertretung von Rechtsanwälten vom 18. September 1939,” *ibid.*, p. 1842f; H. Schneider, “Erfahrungen mit dem Kriegsverfahrensrecht,” *ibid.*, 10 (1940), p. 1866ff; see also Ostler, *Rechtsanwälte*, p. 280ff; Feiten, *NSLB*, p. 188ff; and Ludwig, *Technik*, p. 189ff.

Eventually the totalitarian dynamism of the Third Reich led to a deformation of professional ethics, and this occurred in many instances, not only in the well-known case of medicine. Attempts to cleanse the professions of “Weimar abuses” or to build a nazified professionalism based upon *völkisch* values foundered on external expansionism and internal repression which burst all bonds of professional expertise and restraint. Facilitated by the tradition of legal positivism, the transformation of the occupational universe of lawyers occurred in three steps. General clauses (such as “the common good supercedes individual good”) served to abrogate liberal conceptions of individual rights. Legalized injustice, such as the discrimination against and expropriation of German Jews, altered the sense of justice of positive law. Finally, extra-legal or rather illegal party, secret police, or SS measures removed ever wider areas from legal control altogether.<sup>42</sup> Participating in legal robbery of Jewish property, all nicely according to regulation, dulled professional consciences. Defending criminals, opponents of the regime, or persecuted groups, became more and more dangerous, so that an attorney needed exceptional courage to represent precisely those clients who needed it most. In political cases “administrative acts ..., measures of the *Führer* ..., and the official-political activity of the party” there was no longer any legal recourse. The warping of legal ethics is apparent in the rewriting of the “honors code” which not only proscribed traditional malfeasance (such as incompetence, etc.), but added entire new categories such as “lack of understanding for the social institutions of the present state,” association with Jews or homosexuals, and the like. In cases where both imperatives collided, Nazism more and more began to outweigh professionalism.<sup>43</sup>

The pedagogical framework for the teaching profession was transformed dramatically as well. The German high-school “together with other educational forces in the people, has the task of forming National Socialist man with its particular means.” Directed towards making “real human beings, shaped through blood and historical fate,” the new pedagogy of the Nazis stressed not intellectualism but character building, leadership and practical work.<sup>44</sup> Instead

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<sup>42</sup> H. Weinkauff, *Die deutsche Justiz und der Nationalsozialismus* (Stuttgart, 1968); Kolloquien des Instituts für Zeitgeschichte, *NS-Recht in historischer Perspektive* (Munich, 1981) and D. Anderson, “The People’s Code, Nazis, Lawyers and Civil Law in the Third Reich,” (M.S., 1984). For the mixed reaction of lawyers to these changes cf. *Meldungen aus dem Reich*, January 26, February 12, July 25, 1940, etc.

<sup>43</sup> H. Fritzsche, “Die Aufgaben des Strafverteidigers,” *Deutsches Recht*, 9 (1939), p. 118f; F. Baur, “Die Zulässigkeit des Rechtswegs bei politischen Streitigkeiten,” *ibid.*, 8 (1938), p. 51ff; and Dr. Staeger, “Anwältliche Ehrengerichtbarkeit,” *ibid.*, 11 (1941), p. 519ff. See also especially the graphic examples from legal practice in D. Güstrow, *Tödlicher Alltag. Strafverteidiger im Dritten Reich* (Berlin, 1981).

<sup>44</sup> Minister Rust, “Neuordnung des höheren Schulwesens,” *Deutsche Höhere Schule*, 5 (1938), p. 160ff; and K. Frank, “Die höhere Schule im Dienste der nationalsozialistischen Jugend-

of imparting knowledge and developing the mind, this agenda meant above all indoctrination in “the Jewish question” (based on notoriously forged *Protocols of the Elders of Zion*) or in “the military spirit” (*wehrgeistige Erziehung*). The personal ambition of the Reich Youth Leader Baldur von Schirach led the Hitler Youth to claim ideological responsibility for education as its prerogative. This embittered teachers who were confronted daily with tired and unmotivated youths for whom camping and hiking were more fun than memorizing Latin verbs. Frequent protestations of cooperation between HJ and school indicate continuing frictions, even after the children had been divided Solomonically, with classroom time returned to the teachers and leisure time turned over to the youth organization. The “further decline of standards,” the demands for volunteer work such as the incessant collections of everything from old bones to money, the disruptions of the *Kinderlandverschickung* as well as of paramilitary service (as *Flakhelfer*) and the endemic tensions with the HJ had, as even committed Nazi teachers like O. Nehring admitted, “to shake their professional ethos.”<sup>45</sup>

The ethical conflict for engineers was less clearly defined and less candidly expressed. While initial hopes for a technocratic and non-capitalist economy were quickly disappointed, the growing career opportunities for the Speer generation made the Third Reich seem exceptionally open to the challenges of modern technology. All too few bothered to notice the narrowness of “German science” or the irrational trends in biology, racial hygiene, or ethnology. Under the determined leadership of Fritz Todt (VDI chairman 1938-1942), the NSBDT could use its expertise in weapons’ design and arms production even for “a kind of ‘seizure of power’ over the war economy.” But with growing responsibility came increasing frustrations: “The threatening reduction of production because of decreased energy availability ... created a great wave of unrest and industrial disturbances over the entire *Reich*” when the *Blitzkrieg* bogged down in Russia. While special “rationalization engineers” were supposed to guarantee a more efficient use of resources, “technical difficulties” of production and distribution multiplied and a heavy layer of red-tape vitiated the impulse to save. Moreover, the fresh engineering recruits from the *Technische Hochschulen* were ever less well prepared while the lack of sufficient food lowered “the intellectual performance” of “workers of the mind.” From 1943 on increasing Allied bombing also led to “a lack of transportation ... of building

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erziehung,” *ibid.*, 6 (1939), p. 113ff. Cf. also Eilers, *Nationalsozialistische Schulpolitik*, passim.

<sup>45</sup> A. Fuchs, “Die Behandlung der Judenfrage im Geschichtsunterricht der Mittel- und Oberstufe,” *Deutsche Höhere Schule*, 4 (1937), p. 418ff; H. Holtorf, “Grundlinien wehrgeistiger Erziehung,” *ibid.*, 7 (1940), p. 151ff; O. Nehring, “Der Krieg und das Berufsethos,” *ibid.*, 11 (1944), p. 6ff; and as one example *Meldungen aus dem Reich*, May 12, 1941. Cf. also the excellent discussion in M.H. Kater, “Hitlerjugend und Schule im Dritten Reich,” *Historische Zeitschrift*, 228 (1979), pp. 572-623.

material ... of telephone connections” as well as to an insufficient energy supply and an “absence of bureaucratic help” so that entire factories were moved to safer areas. ... While the worsening economic situation increased the power of engineers (as *Arbeitseinsatz Ingenieure* they had the authority to reassign labor), it forced them to employ their rational talents for ever more irrational NS goals.<sup>46</sup>

Ultimately, the deterioration of the professionals’ situation also made it harder to reconcile National Socialism with professionalism. Leading political and professional spokesmen often proclaimed their inseparable identity: “In the tenth year of the Nazi Revolution jurists also have completely joined the movement, so that they have now become the guardian of the new popular order ....” On the one hand Nazi professionals had to justify themselves against critics in the party, emphasizing that “even the best judge and the most circumspect official is not capable of replacing the work of an attorney.” On the other hand they had to defend their ideology against skeptical colleagues: “It is crucial that the lawyer consider himself first a legal servant indebted to the national socialist state or the national community and only secondly as representative of his client.” In the Third Reich, recognition of the irreplaceability of a profession depended upon its fusion of National Socialism and technical expertise.<sup>47</sup>

How did individual professionals combine these imperatives? The choice of reaction depended upon time (the regime’s popularity changed with success or failure), religion (with Catholics more reluctant), age (youth being more susceptible), occupational standing (primary schoolteachers were particularly zealous) or previous politics (former activists were more resistant), just to name a few factors. A small group of “truly fanatic” Nazis who happened also to be professionals marks one extreme. Men like R. Freisler, H. Schemm, or G. Feder were more National Socialists than professionals. “I am first a national socialist and only then a teacher,” the high-school section leader K. Frank confessed typically. As Old Fighters, they had joined the party before 1930 and founded professional affiliates to help win elections or provide expertise for the party (legal advice) and only then thought of nazifying other professionals. They took pride in their political career as *Gauleiter* or other higher functionary

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<sup>46</sup> *Meldungen aus dem Reich*, September 15, 1941, March 30, June 22, July 16, 1942, May 13, August 26, October 21, and December 9, 1943. Ludwig, *Technik*, p. 190ff; Neef, *Ingenieure*, p. 122ff. Cf. also A. Speer, *Inside the Third Reich* (New York, 1970), p. 189ff. The engineering journals do not address these frustrations as candidly as the SD reports.

<sup>47</sup> C. Rothenberger, “Der deutsche Rechtswahrer am zehnten Jahrestage der nationalsozialistischen Revolution,” *Deutsches Recht*, 13 (1943), p. 98f. H. Seydel, “Zur Lage der Anwaltschaft,” *ibid.*, p. 1572ff; Dr. Badura, “Anwaltsfragen,” *ibid.*, p. 1575f; Bredenkamp, “Die Unentbehrlichkeit der Anwaltschaft,” *ibid.*, 14 (1944), p. 282f; Dr. Hanssen, “Die Stellung des Rechtsanwalts als Organ einer starken nationalsozialistischen Rechtspflege,” *ibid.*, p. 353ff. Similar examples can be adduced for teachers and less so for engineers.

and resolved the tension between ideology and professionalism unhesitatingly in favor of the former.<sup>48</sup>

A second limited group were National Socialist professionals who sincerely believed in both sets of values and tried to reconcile them with each other. Men like the president of the national bar association R. Neubert, but also leading ministerial officials and NS engineers propagated both “unreserved dedication to the work of the Führer” and the preservation “of a healthy, self-governing legal profession.” While internally such NS professionals sometimes defended their profession against ideological zealots, they externally also served to enforce the nazification of their colleagues. This made them particularly dangerous. Perhaps this is also the group into which the ambitious architect Albert Speer belongs, if one can grant the subjective honesty of his fusion between technology and national rebuilding. Initially influential, these professional idealists faced ever increasing problems with the deprofessionalizing dynamics of the later years of the Third Reich which shattered their synthesis of opposites.<sup>49</sup>

More difficult to document is the majority of collaborating professionals. Formally members of at least the appropriate NS professional organization, sometimes even nominal members (*Karteimitglieder*) of the NSDAP, these men adopted Nazi slogans unthinkingly or cynically, but continued their professional practice within the new conditions of the Third Reich much as before. A Socialist observer noted in 1935: “The teachers are intimidated and do not resist.” Recurrent complaints of the Nazi fanatics or idealist professionals about their apathy or opportunism indicate the existence of this large group. Since their National Socialism tended to be only skin deep, it produced few conflicts with professionalism. Prevalent in law and education such *Mitläufer* shaded over into the neutral professionals, preoccupied with specific work and largely oblivious to the ideological demands upon their occupation. The bulk of the engineers probably fits into this category which evaded the conflict between

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<sup>48</sup> “Rede des komm. Reichsfachschaftsleiters K. Frank,” *Deutsche Höhere Schule*, 3 (1936), p. 567. Cf. H. Frank, “Zehn Jahre Nationalsozialistischer Rechtswahrerbund” *Deutsches Recht*, 8 (1939), p. 398f; and K. Frank, “Gauleiter Fritz Wächtler, seit fünf Jahren Reichswalter des NSLB – 50 Jahre alt,” *Deutsche Höhere Schule*, 8 (1941), p. 3ff. H. Frank is an intriguing borderline case, since he was less instrumentalist than Freisler or Thierack, but clearly more so than Neubert. Cf. his memoirs, *Im Angesicht des Galgens* (Munich, 1953). See also Stokes, “Professional Identity Crisis” for the lawyer Böhmcker and the doctor Saalfeldt.

<sup>49</sup> R. Neubert, “Standesaufsicht und Ehrengerichtsbarkeit der Anwaltschaft,” *Juristische Wochenschrift*, 67 (1938) p. 2507f; “Ein ernstes Wort an meine Berufskameraden,” *Deutsches Recht*, 12 (1942), p. 1090f; and “Die neuen Maßnahmen auf dem Gebiete des Anwaltsrechts,” *ibid.*, 13 (1943), p. 593f. Cf. also the documentary material in the files of the justice ministry, BA Koblenz, R22 for Neubert’s tenacious defense of his version of professionalism. A. Speer, *Inside the Third Reich* (New York, 1970) tends to understate the author’s political commitment.



professionalism and Nazism by ignoring the latter and carried on in non-political competence. “The mood of the teachers is depressed, they work without any professional pride [*Berufsfreude*]” another critic reported in 1936. “Basically the educators are as apolitical as before.”<sup>50</sup>

Beyond this inert mass of professionals, there were a courageous few whose professionalism forced them to be critical of the Third Reich and to oppose its policies. Many now forgotten individuals sought to preserve a small corner of objectivity and rationality within the irrational system by maintaining professional standards in their work. In the courts, the classroom, or the factory, for instance, the use of irony, of *double-entendre* or excessive compliance could break the Nazi spell by ridiculing its earnest pretensions. While not overtly political, such “inner passive resistance [*Resistenz*]” was an important act of refusal to conform. This exasperated NS fanatics. Others dared to go further and embarked on overt opposition in spite of the risk of losing their livelihood, having to escape into exile or being sent to a concentration camp. Some attorneys, such as Dietrich Güstrow, courageously defended their clients in largely politicized cases at the threat of disbarment; some teachers, such as Heinrich Rodenstein, pursued the truth with their pupils when it contradicted Nazi propaganda at the risk of expulsion; and even some engineers such as F. Todt, in his last weeks, recognized the irrationality of Nazi technology by trying to prepare for life after Hitler.<sup>51</sup> All too few extraordinary individuals realized that National Socialism and professionalism, understood as responsibility for humane justice, liberal education, or efficient technology, were inherently incompatible.

The Third Reich disappointed hopes in a *reprofessionalization* and inaugurated a widespread *deprofessionalization*. While initially professionals could applaud the solution to the Weimar professional crisis as the restoration of a “national” professionalism, eventually they were confronted with the very opposite: a drastic and far-reaching loss of professionalism. In the long run, the

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<sup>50</sup> *Deutschlandberichte*, July 15, 1935, February 1936. In January 1940 another critic noted that 60% of the population seemed indifferent, 20% sharply opposed, and only another 20% would defend the regime “with all means.” See also M. Broszat “Sozialgeschichte des Widerstandes im nationalsozialistischen Deutschland,” at the International Congress of Historical Sciences in Stuttgart on August 28, 1985. For a typology of German lawyers cf. also the emigre letters of Max Hachenburg, December 14, 1946 and January 17, 1949, in Max Hachenburg, *Lebenserinnerungen eines Rechtsanwalts*, p. 213f. p. 227ff.

<sup>51</sup> Examples from Güstrow, *Tödlicher Alltag*, p. 81ff; H. Schnorbach, *Lehrer und Schule unterm Hakenkreuz. Dokumente des Widerstands von 1930 bis 1945* (Königstein, 1983), 18ff; and Ludwig, *Technik*, p. 390. The *Deutsches Recht* carried a special column called “critical diary” in which it regularly reported on cases of insufficient ideological conformity or outright opposition. The approach of P. Hoffmann which concentrates on the plots against Hitler is too narrow for grasping resistance within the professions, since both levels intersect only occasionally like in the lawyer Fritz Goerdeler. *The History of the German Resistance, 1933-1945* (Cambridge, 1977) versus *Zeugnis für ein anderes Deutschland. Ehemalige Tübinger Studenten als Opfer des 20. Juli, 1944* (Tübingen, 1984), p. 56f.

Third Reich threatened precisely those values which it was meant to preserve. For many professionals, educational standards and practical competence declined, while fewer and fewer young people chose such a thankless career. Though some professions were economically secure, their social esteem also deteriorated in comparison with the party, the army, or the SS. Professional ethics were transformed into conformity with Nazi ideology, explicitly rejecting their liberal and humanitarian origins, and autonomy of practice as well as organizational independence was lost. During the last war years even convinced Nazis like Hans Frank, in a series of controversial speeches, began to deplore the destruction of the *Rechtsstaat*, the perversion of *Wissenschaft* (through medical experiments), and the abuse of technology. The attempt to save professionalism through an alliance with National Socialism made precisely for its ultimate destruction. As the Socialist educational politician Kurt Löwenstein wrote acerbically in exile: "Never have German schools seen so much beating and so little learning."<sup>52</sup>

The causes for this reversal of professional fortunes are complex. Certainly external circumstances, such as the change from rebuilding prosperity to the strains of wartime shortages played a considerable role in their socio-economic deterioration. But internal NS factors such as the dominance of an irrational ideology and the totality of organizational control also contributed to the decline of professionalism. Moreover, the dynamism of the Third Reich would not be contained in a "German" law, education, or technology, but rather pushed beyond all restraints of professional rationality, thereby dooming the hybrid of Nazi professionalism. In individual professions this process worked out somewhat differently. Closest to the political core of Nazi power, lawyers were under the most direct pressure. Every day they had to confront the basic contradiction between a nazified legal order and an ideologized illegality. Teachers were somewhat less directly affected, but still under considerable pressure. In shaping the views of future generations their propaganda was essential to the long-run stability of the Third Reich. Ostensibly furthest removed from the party, engineers could carry on with least disruption. Yet the "neutrality" of technology turned out to be an illusion when engineering provided the tools for war and genocide. It took the impending loss of the war to bring this awful realization home to German professionals. Their partly enthusiastic, partly opportunistic, partly acquiescent pact with National Socialism had mere-

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<sup>52</sup> K. Löwenstein, "Das Trümmerfeld der reichsdeutschen Schule," reprinted in *Lehrer und Schule* pp. 95-98. The concept of deprofessionalization is just beginning to be discussed. Logically, it should be understood as a reversal of professionalization, as a loss of some of its criteria. See P.U. Unschuld, "Professionalisierung im Bereich der Medizin," *Saeculum*, 25 (1974), pp. 251-276. Anderson, "The Academy of German Law," ch. 8; B. Müller-Hill, "Tödliche Wissenschaft. Die verdrängte Geschichte der Humangenetik unter Hitler," *Die Zeit*, July 20, 1984; and O. Ottweiler, *Die Volksschule im Nationalsozialismus* (Weinheim, 1979).

ly yielded initial benefits. Instead of profiting from the Third Reich, they were going down with it. This disillusionment became widespread after 1943 – but it came too late to extricate professionals from their complicity.<sup>53</sup>

In a broader perspective, this collaboration was but the culmination of a long-range reversal of professional allegiances. The liberal and humane vision which had made professionalization in the first half of the nineteenth century a progressive force, began to fade into a satisfaction with the status quo during Imperial Germany, when professionals were accepted, albeit as junior partners, into the ruling elites. The success of the “professionalization project” of the *akademische Berufe* rested on the exclusion of less qualified competitors (legal consultants, primary schoolteachers, technicians) and on increasing specialization, both of which undercut the professional service ethic. During the crises of the Weimar Republic, the vision of professionalism narrowed decisively into a defense of material self-interest. In the hyperinflation and Great Depression the broader view which saw professionalism as guarantor of justice, learning, and technology gave way to a narrower conception, directed towards controlling entry into the profession, assuring adequate income, and maintaining the social status of professionals. At the same time academic nationalism, which had been a forward-looking force during the external and internal unification became chauvinistic, anti-Semitic, and sexist. Though they differed in style, national traditionalists could therefore willingly cooperate with *völkisch* revolutionaries as long as these respected some professional niceties such as continuity of personnel, maintenance of minimum competence, and international respectability. Confronted with threats to their very survival, most professionals chose, not surprisingly, material security over professional freedom. Instead of serving as a barrier against the barbarities of the Nazis, the professions played an important role in shoring up the system, in carrying out the atrocities of the war and the genocide efficiently. The narrowing of professionalism logically led to its complete instrumentalization.<sup>54</sup>

The perils of professionalism are, therefore, as pervasive as its benefits. There is no need to stretch the “Weimar analogy” and to argue that the United States professions of the mid-1980s are on the verge of collaborating with an

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<sup>53</sup> The Nazi professional journals do not betray any doubts in ultimate victory. Thierack, “Zum Jahresbeginn 1945,” *Deutsches Recht*, 15 (1945), p. 1. Cf. also M.H. Kater, “Die ‘Gesundheitsführung’ des Deutschen Volkes,” *Medizinhistorisches Journal*, 18 (1983), pp. 349-375. For the broader background see also M. Geyer, “The State in National Socialist Germany,” in: C. Bright, ed., *Statemaking and Social Movements* (Ann Arbor, 1984), pp. 193-232.

<sup>54</sup> K.H. Jarausch, *Students, Society and Politics in Imperial Germany: The Rise of Academic Illiberalism* (Princeton, 1982); A. Beyerchen, *Scientists under Hitler: Politics and the Physics Community in the Third Reich* (New Haven, 1977), p. 206f; I. Staff, ed., *Justiz im Dritten Reich. Eine Dokumentation* (Frankfurt, 1978, 2nd ed.), pp. 124-146; and comments on the professional reversal by T.S. Hamerow (Chapel Hill, November 7, 1984).

American “fascism” (whatever that might mean).<sup>55</sup> The lesson of this cautionary tale lies deeper. Even under the best of circumstances the professions run certain inherent dangers which had particularly nefarious consequences in the German case. First, there is the threat of excessive materialism, the greedy preoccupation with monetary return and social status which seeks to aggrandize the established professionals *vis a vis* their clients and newcomers. Second, there is the peril of ethical formalism, obeying the written conduct codes while violating their moral intent. And third, there is the danger of blinkered organizational egotism, putting narrow special interests above the common good. In the larger historical perspective, modern professionalism was one of the great achievements of a liberal middle class, believing in expertise, responsibility, and self-government. The Nazi case, powerfully dramatized by Rolf Hochhuth in the play *Juristen*, demonstrates the perils of detaching it from this heritage. In the modern world, professionalism can only exert a beneficial influence if it rejects self-aggrandizement and returns to its idealistic, altruistic, and in the broad sense, liberal core.<sup>56</sup>

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<sup>55</sup> On the Weimar analogy cf. the special issue “Germany 1919-1932” of *Social Research*, 39 (1972). Most recently see also I. Deak, “How Guilty Were the Germans?” *New York Review of Books*, May 31, 1984.

<sup>56</sup> R. Hochhuth, *Juristen* (Reinbeck, 1979). For a less successful evocation of a Jewish lawyer’s fate see also P. Härtling, *Felix Guttman* (Darmstadt, 1985).